



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/758,924

01/16/2004

Jonathan W. Furlong

084554-9174-00

6538

23409 7590 03/01/2007
MICHAEL BEST & FRIEDRICH, LLP
100 E WISCONSIN AVENUE
Suite 3300
MILWAUKEE, WI 53202

EXAMINER

LUGO, CARLOS

ART UNIT

PAPER NUMBER

3676

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
--	-----------	---------------

3 MONTHS

03/01/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/758,924	Applicant(s) FURLONG, JONATHAN W.	
	Examiner Carlos Lugo	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 21, 22, 24 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 is/are allowed.
- 6) ☒ Claim(s) 21, 22, 24 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to applicant's amendment filed on December 7, 2006.

Drawings

2. The examiner has considered the drawings submitted on December 7, 2006.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter.

Claim 5 requires that the handle includes a slot and the attachment member includes a shoulder portion engageable with the slot. The original specification and drawings fail to give support to this limitation. The specification discloses that the handle 50 is attached to a base member 130. This base member is the one that has the slot 170.

The applicant submits a new drawing that shows the handle and the base member as a one-piece embodiment. However, there is no antecedent of basis for this limitation in the specification.

Claim Objections

4. **Claim 1 is objected** to because of the following informalities:
 - Claim 1 Line 2, change "a first side, a second side, and an attachment surface" to -a first side and a second side, each having an attachment surface-.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 21,22,24 and 25 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 3,107,113 to Sconzo.

Regarding claim 21, Sconzo discloses a door handle assembly attachable to a door that defines an attachment surface. The assembly comprises a handle (11,14 or 12,15) having a first end defining a first attachment portion (where top 36 is located, Figure 2) and a second end defining a second attachment portion (where lower 36 is located, Figure 2) spaced a distance from the first attachment portion.

The first attachment portion and the second attachment portion are coupled to the door to fix the position and orientation of the handle with respect to the door.

A base (21 or 40) is fixedly attached to the second end (by means of either 19 or 38) and defines a slot (25).

An attachment member (27) is coupled to the second end to at least partially define the second attachment portion and having an orientation that is substantially fixed with respect to the second end. The attachment member is movable within a plane that is substantially parallel to the attachment surface to vary the distance between the first attachment portion and the second attachment portion. The slot

defines an adjustment axis that extends along a line between the first end and the second end.

As to claim 22, Sconzo discloses that the attachment member (27) is adapted to receive a fastener (35) along an axis substantially perpendicular to the attachment surface.

As to claim 24, Sconzo discloses a door handle assembly comprising a one piece handle (11,14 or 12,15 when they are connected, makes a one piece embodiment) having a first end defining a first attachment portion and a second end defining a second attachment portion; a base (21 or 40) fixedly attached to the second end defining a slot (25); and an attachment member (27) coupled to the second end to at least partially define the second attachment portion and having an orientation that is substantially fixed with respect to the second end.

The attachment member is moveable within a plane that is substantially parallel to the attachment surface to vary the distance between the first and second attachment portions. The attachment member (27) includes a slider engaged with the slot (25) and moveable within the slot between a first and a second position.

As to claim 25, Sconzo discloses a door handle assembly comprising a one-piece handle (11,14 or 12,15 when they are connected, makes a one piece embodiment) having a first end and a second end, the handle coupled to the door; a base (21 or 40) fixedly attached to the second end, the base defining a slot (25); and an attachment member (27) coupled to the second end and having an orientation that is substantially fixed with respect to the second end, the attachment member

Art Unit: 3676

movable within a plane that is substantially parallel to the attachment surface, wherein the attachment member includes a slider engaged with the slot and movable within the slot between a first position and a second position, wherein the attachment member is substantially T-shaped.

Allowable Subject Matter

7. Claims 1-4 and 6-9 are allowed.

Response to Arguments

8. Applicant's arguments filed on December 7, 2006 have been fully considered but they are not persuasive.

As to the applicant's arguments with respect to the drawing objection with respect the limitation claimed in claim 5 (Page 10 Line 2), the argument is not persuasive.

After further review, the specification does not provide any antecedent of basis for this limitation. The current specification only shows that the handle 50 is attached to a base member 130 that has a slot 170.

Further, the applicant files a new drawing (Figure 8) to show this limitation. However, the drawing has not being considered because the applicant has not provided a proper antecedent of basis for that limitation.

As to the applicant's arguments with respect to the rejection of claims 1 and 7 (Page 11 Line 3 and Page 12 Line 6), the rejection has been withdrawn since Sconzo fails to disclose that both covers are in the same attachment surface.

As to the applicant's arguments with respect to the rejection of claim 21, specifically that Sconzo fails to disclose a door handle having a first and second attachment portions to fix the position and orientation of the handle with respect to the door (Page 13 Line 16), the argument is not persuasive.

Sconzo clearly discloses a handle (11,14 or 12,15) having a first end defining a first attachment portion (where 36 top is located, Figure 2) and a second end defining a second attachment portion (where 36 lower is located, Figure 2) spaced a distance from the first attachment portion. Therefore the rejection is maintained.

As to the applicant's arguments with respect to the rejection of claims 24 and 25, specifically that Sconzo fails to disclose a one-piece handle having a first end defining a first attachment portion and a second end defining a second attachment portion spaced a distance from the first attachment portion (Page 14 Line 9 and Page 15 Line 13), the argument is not persuasive.

Sconzo discloses a "one-piece" handle (11 attached to 14 or 12 attached to 15 makes a "one-piece" member) having a first end defining a first attachment portion (where 36 top is located, Figure 2) and a second end defining a second attachment portion (where 36 lower is located, Figure 2) spaced a distance from the first attachment portion. Therefore the rejection is maintained.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 571-272-7058. The examiner can normally be reached on 10-7pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like

Art Unit: 3676

assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'CLG', with a horizontal line extending to the right.

Carlos Lugo
Patent Examiner
Art Unit 3676

February 21, 2007.